

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, Wisconsin 53212-3128
FAX 414-263-8606
Telephone 414-263-8500
TTY Access via relay - 711

March 30, 2006

Mr. James Pendleton
6170 West Port Avenue
Milwaukee, WI 53223

Subject: Reported Contamination at 1102 West Atkinson Avenue, Milwaukee, WI

FID: 341081290
BRRTS: 03-41-506431

Dear Mr. Pendleton:

On March 30, 2006, the Wisconsin Department of Natural Resources ("the Department") sent a letter to you, describing his responsibility to address soil and/or groundwater contamination at the site referenced above. The Department found that during tank and piping removal a discharge of gasoline range organics (GRO) has been released to the environment. As of the date of this letter, no indication that any further action to investigate and remediate this discharge has not been taken at the site since our notification, nor did you respond to the March 30th letter.

Under Section 292.11 of the Wisconsin Statutes, a person who possesses or controls a hazardous substance release (e.g., the owner of the property where a spill has occurred) is required to take actions necessary to restore the environment to the extent practicable. This letter is to notify you of your responsibility under s. 292.11, Wis. Stats., as the current owner of the property, to address contamination at the site.

Please review the information below. This letter describes your legal responsibilities; explains what you need to do to investigate and clean up the contamination; provides you with information about cleanups, environmental consultants, and possible financial assistance; and explains how you can work cooperatively with the Department of Natural Resources and Department of Commerce ("Commerce").

If you are aware of any work performed at the site to address the contamination, please send a summary of the activities and copies of applicable reports and any laboratory results to the Department within 15 days of the date of this letter. All correspondence about this property should reference the "Subject" name and file reference numbers listed above.

Legal Responsibilities:

Your legal responsibilities are defined both in statute and in administrative codes.

Wisconsin Administrative Code chapters NR 700 through NR 749 establish requirements for emergency and interim actions, public information, site investigations, design and operation of

remedial action systems, and case closure. Chapter NR 708 includes provisions for immediate actions in response to limited contamination. Wisconsin Administrative Code chapter NR 140 establishes groundwater standards for contaminants that reach groundwater.

Steps to Take:

The longer contamination is left in the environment the farther it can spread and the more it may cost to clean up. Quick action may lessen damage to your property and neighboring properties and reduce your costs in investigating and cleaning up the contamination. To ensure that your cleanup complies with Wisconsin's laws and administrative codes, you should hire a professional environmental consultant who understands what needs to be done. These are the first three steps to take:

Within the next 30 days, you must submit written verification (such as a letter from the consultant) that you have hired an environmental consultant.

Within the next 60 days, your consultant must submit a work plan and schedule for the investigation. The consultant must follow the Department's administrative codes and technical guidance documents. To facilitate prompt agency review of your reports, your consultant should use the site investigation and closure formats which are available on-line at www.dnr.state.wi.us.

Once an investigation has established the degree and extent of contamination involved at your site, your consultant will be able to determine whether Commerce or the Department of Natural Resources has authority over the case.

Within 30 days of completion of the site investigation, you or your consultant must provide a site investigation report per s. NR 716.15. As the remedial activities proceed, you or your consultant should also provide a brief progress report at least every 90 days per s. NR 724.13(3). Should conditions at your site warrant, we may require more frequent contacts.

Sites where discharges to the environment have been reported are entered into the Bureau for Remediation and Redevelopment Tracking System (BRRTS), a version of which appears on the Department's internet site. You may view the information related to your site at any time (<http://www.dnr.state.wi.us/org/aw/rr/brrts>) and use the feedback system to alert us to any errors in the data.

If you want a formal response from the Department on a specific submittal, please be aware that a review fee is required in accordance with ch. NR 749, Wis. Adm. Code. If a fee is not submitted with your reports, you should proceed under the advice of your consultant to complete the site investigation to maintain your compliance with the spills law and chs. NR 700 through NR 749. Do not delay the investigation of your site by waiting for a Department response. We have provided detailed technical guidance to environmental consultants. Your consultant is expected to know our technical procedures and administrative codes and should be able to answer your questions on meeting cleanup requirements.

All correspondence regarding this site should be sent to:

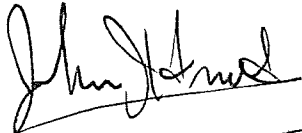
Ms. Victoria Stovall
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources

Box 12436
Milwaukee, WI 53212

Unless otherwise requested, please send only one copy of plans and reports. To speed processing, correspondence should reference the BRRTS and FID numbers (if assigned) shown at the top of this letter. Please include a copy of this letter with your response.

If you have any questions or comments, please feel free to contact me at the above address or at (414) 263-8644. Please refer to the FID number at the top of this letter in any future correspondence. Future correspondence should be sent directly to the Remediation and Redevelopment Program Assistant Vicky Stovall (414-263-8688) at the above address.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Hnat". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

~~John J. Hnat, P. G.~~
Project Manager\Senior Hydrogeologist
Southeast Region
Remediation and Redevelopment

C: WDNR SER Files